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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/804,170 | 03/12/2001 | Ramin C. Nakisa | 9147.00 | 1050 |
| 26889 | 7590 | 05/19/2005 | EXAMINER | |
| MICHAEL CHAN NCR CORPORATION 1700 SOUTH PATTERSON BLVD DAYTON, OH 45479-0001 | | | JARRETT, SCOTT L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3623 | |

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,170

Applicant(s)

NAKISA, RAMIN C.

Examiner

Scott L. Jarrett

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This **Final** Office Action is responsive to Applicant's amendment filed March 17, 2005. Applicant's amendment of March 17, 2005 amended the drawings, canceled claims 1-17 and added new claims 18-20. Currently claims 18-20 are pending.

Response to Amendment

2. Applicant's amendment filed on March 17, 2005 with respect to cancellation of claims 1-17 and the addition of new claims 18-20 necessitated new ground(s) of rejection.

Response to Arguments

3. Applicant's arguments with respect to canceled claims 1-17 and new claims 18-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 18-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Liu et al., U.S. Patent No. 6,839,680.

Regarding Claims 18 and 20 Liu et al. teach a method and system for predicting future behavior of an individual comprising:

- profiling an Internet user's activity and behaviors across a plurality of different Internet (web) sites wherein the online user profile contains a plurality of information including but not limited to a list of a plurality of different websites visited by the individual from a computer (Column 2, Lines 14-44; Column 12, Lines 18-44 as shown below; Figures 3-4, 8; "...system automatically takes the previous history of a visitor's activities and integrates this with data collected from new visits. This process of taking new visits and integrating them with previous visits is performed on an as-needed basis. In this way, the profile of a web visitor is always kept up to date, reflecting that web visitor's interests.", Column 4, Lines 26-35);

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- analyzing a plurality of online user behavior and activities including but not limited to analyzing the list (inputs, information, data, etc.) utilizing a computer ("...tracks user activity across multiple domains, and from such activity develops a time based model that describes the user's interests over time....Each user's time based model of interests and group memberships forms a detailed profile of the Internet activity that can be used to market information and products to the user, to customize web content dynamically, or for other marketing purposes.", Column 2, Lines 14-26); and

- providing information (data, output) which are indicative of likely future behavior of the individual, using a computer ("From this history record of changes between different user groups, one can derive a certain behavior and pattern that can be used to predict user reactions in the future, and use this information for marketing purposes.", Column 27, lines 12-24; "...so as to predict the user's future interests for marketing purposes.", Column 41, Lines 1-3).

| For example, assume that a user's web activity is as follows: | | | |
|---|-------------------------|---------|--------------|
| Activity | Start Time-End Time | URL | Duration |
| 1 | 10:05 am-10:10 am | <URL A> | 5 min |
| 2 | 10:10 am-10:12 am | <URL B> | 2 min |
| 3 | 10:12 am-10:14 am | idle | |
| 4 | 10:14 am-10:15 am | <URL C> | 1 min |
| 5 | 10:15 am-10:15:03 am | <URL B> | 3 sec |
| 6 | 10:15:03 am-10:16 am | <URL A> | 57 sec |
| 7 | 10:16 am-10:16:06 am | <URL D> | 6 sec |
| 8 | 10:16:06 am-10:16:10 am | <URL A> | 4 sec |
| 9 | 10:16:10 am-10:22:30 am | <URL E> | 6 min 20 sec |
| 10 | 10:22:30 am-10:30 am | idle | |

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| URL | Start-time | End-time | Duration | Occurrence |
|---------|-------------|-------------|---------------------|------------|
| <URL A> | 10:05 am | 10:16:10 am | 5 min 57 sec | 2 |
| <URL B> | 10:10 am | 10:12 am | 4 min *(see Note 2) | 1 |
| <URL C> | 10:14 am | 10:15 am | 1 min | 1 |
| <URL E> | 10:16:10 am | 10:22:30 am | 5 min *(see Note 3) | 1 |

Figure 1: Column 12, Lines 18-44

Regarding Claim 19 Liu et al. teach a method and system for predicting future behavior of an individual comprising:

- receiving input data, from a computer, containing (Column 12, Lines 18-44, as shown above)

- (i) first data associated with a first website recently visited by the individual

- (ii) second data associated with a second website recently visited by the individual, the second web site being different from the first web site

- analyzing the input data, from a computer, to provide output data (file) indicative of the likely future behavior of the individual ("From this history record of changes between different user groups, one can derive a certain behavior and pattern that can be used to predict user reactions in the future, and use this information for marketing purposes.", Column 27, lines 12-24; "...so as to predict the user's future interests for marketing purposes.", Column 41, Lines 1-3).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Cuomo et al., U.S. Patent No. 6,185,614, teaches a method and system for collecting profile information about users accessing Web pages from a plurality of web sites.

- Welsh et al., U.S. Patent No. 6,757,691, teaches a method and system for predicting the future behavior of individuals wherein a user profile is generated that contains a list of a plurality of web sites (or channels) visited by the individual using the computer. Welsh et al. further teaches that the user profiling and prediction system

further analyzes the plurality of user profile information to predict the future behavior of the individual (e.g. content choices).


- Murphy, Stephen, U.S. Patent No. 6,615,247, teaches a method and system for personalizing Internet web pages based on the previous sites visited and search terms searched of an individual visiting a plurality of web sites.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJ
5/15/2005


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